

PAPER_REQUIRED

**U.S. District Court
Northern District of Texas (Fort Worth)
CIVIL DOCKET FOR CASE #: 4:18-cv-00151-A**

Clark et al vs IRS
Assigned to: Judge John McBryde
Cause: 05:552 Freedom of Information Act

Date Filed: 02/23/2018
Jury Demand: None
Nature of Suit: 895 Other Statutes:
Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Ray G. Clark

represented by **Lawrence Brown**
Brown PC
500 Main St
Suite 400
Fort Worth, TX 76102
817/870-0025
Fax: 817/870-0515
Email: lawrence.brown@browntax.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cynthia A Cook
Brown PC
500 Main Street
Suite 400
Fort Worth, TX 76102
817/870-0025
Fax: 817/870-0515
Email: cynthia.cook@brownpc.com
ATTORNEY TO BE NOTICED

Plaintiff

Judith A. Clark

represented by **Lawrence Brown**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cynthia A Cook
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Internal Revenue Service

represented by **Matthew B. Miller**
U.S. Department of Justice, Tax Division
PO Box 227
Ben Franklin Station
Washington, DC 20044
202-616-3448
Fax: 202-514-6866
Email: Matthew.B.Miller@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
------------	---	-------------

02/23/2018	<u>1</u>	COMPLAINT against Internal Revenue Service filed by Ray G. Clark, Judith A. Clark. (Filing fee \$400; Receipt number 0539-9009539) Clerk to issue summons(es). In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the <u>Judges Copy Requirements</u> is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: <u>Attorney Information – Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Cover Sheet) (Brown, Lawrence) Modified on 2/23/2018 (wrb). (Entered: 02/23/2018)
02/23/2018	<u>2</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Judith A. Clark, Ray G. Clark. (Brown, Lawrence) (Entered: 02/23/2018)
02/23/2018	<u>3</u>	New Case Notes: A filing fee has been paid. File to Judge McBryde. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge. Clerk to provide copy to plaintiff if not received electronically. (wrb) (Entered: 02/23/2018)
02/23/2018	<u>4</u>	Standing ORDER Concerning Paper Filing in Cases Assigned to District Judge John McBryde...see order for specifics. (Ordered by Judge John McBryde on 2/23/2018) (wrb) (Entered: 02/23/2018)
02/23/2018	<u>5</u>	Summons issued as to Internal Revenue Service, U.S. Attorney, and U.S. Attorney General. (wrb) (Entered: 02/23/2018)
02/28/2018	<u>6</u>	Received original/judge's copy of initiating documents pursuant to Standing order re: <u>2</u> Cert. Of Interested Persons/Disclosure Statement, <u>1</u> Complaint filed by Judith A. Clark, Ray G. Clark (Attachments: # <u>1</u> Additional Page(s) COIP) (wrb) (Entered: 03/01/2018)
03/22/2018	<u>7</u>	[unfiled per order of Mar 27 2018] NOTICE of Attorney Appearance by Matthew B. Miller on behalf of Internal Revenue Service. (Filer confirms contact info in ECF is current.) (Miller, Matthew) Modified on 3/27/2018 (wrb). (Entered: 03/22/2018)
03/27/2018	<u>8</u>	Order Unfiling <u>7</u> Notice of Attorney Appearance filed by Internal Revenue Service due to the following deficiency: Case not designated for efile. re: <u>7</u> Notice of Attorney Appearance (Ordered by Judge John McBryde on 3/27/2018) (wrb) (Entered: 03/27/2018)
03/28/2018	<u>9</u>	NOTICE of Attorney Appearance by Matthew B. Miller on behalf of Internal Revenue Service. (bdb) (Entered: 03/28/2018)
03/28/2018	<u>10</u>	MOTION for Extension of Time to File Response to <u>1</u> Complaint filed by Internal Revenue Service. (bdb) (Entered: 03/28/2018)
03/28/2018	<u>11</u>	ORDER ON THE INTERNAL REVENUE SERVICE'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING: Defendant, the Internal Revenue Service, has moved for an extension of time to answer or otherwise respond to the Complaint. The Plaintiffs do not oppose this request. For good cause shown, the Service's motion is GRANTED. The Service shall file its responsive pleading by April 4, 2018. (Ordered by Judge John McBryde on 3/28/2018) (bdb) (Entered: 03/28/2018)
03/29/2018	<u>12</u>	SUMMONS Returned Executed as to Internal Revenue Service ; served by cmrr on 3/5/2018. (wrb) (Entered: 03/29/2018)
03/29/2018	<u>13</u>	SUMMONS Returned Executed as to Atty Gen US; served by cmrr on 3/7/2018. (wrb) (Entered: 03/29/2018)
03/29/2018	<u>14</u>	SUMMONS Returned Executed as to US Atty, Civil Process Clerk ; served by cmrr 3/5/2018. (wrb) (Entered: 03/29/2018)
03/30/2018	<u>15</u>	*** UNFILED PER ORDER <u>16</u> *** Unopposed Motion for Extension of Time to File Responsive Pleading/Answer filed by Internal Revenue Service (npk) Modified on 4/3/2018 (wxc). (Entered: 03/30/2018)

03/30/2018	<u>16</u>	ORDER Unfiling <u>15</u> Motion for Extension of Time to File Answer filed by Internal Revenue Service due to the following deficiency: The signature of the attorney of record or the party proceeding pro se is required on each document filed. (Ordered by Judge John McBryde on 3/30/2018) (bdb) (Entered: 04/02/2018)
04/04/2018	<u>17</u>	STATUS REPORT ORDER: Joint Status Report due by 4 p.m. on 5/4/2018. (Ordered by Judge John McBryde on 4/4/2018) (tln) (Entered: 04/04/2018)
04/04/2018	<u>18</u>	ANSWER to <u>1</u> Complaint filed by Internal Revenue Service. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (bdb) (Entered: 04/05/2018)
04/09/2018	<u>19</u>	CERTIFICATE OF INTERESTED PERSONS by Internal Revenue Service. (wrb) (Entered: 04/09/2018)
05/01/2018	<u>20</u>	JOINT STATUS REPORT filed by Judith A. Clark, Ray G. Clark, Internal Revenue Service. (wrb) (Entered: 05/01/2018)
05/02/2018	<u>21</u>	ORDER SETTING SCHEDULE AND PROVIDING SPECIAL PRETRIAL INSTRUCTIONS... Amended Pleadings due by 10/17/2018. Discovery due by 12/17/2018. Pretrial Conference set for 1/7/2019 09:30 AM before Judge John McBryde. Joinder of Parties due by 8/6/2018. Bench Trial set for 2/11/2019 09:00 AM before Judge John McBryde. (Ordered by Judge John McBryde on 5/2/2018) (wrb) (Entered: 05/02/2018)
05/03/2018	<u>22</u>	Defendant's REPORT Concerning Settlement Authority filed by Internal Revenue Service. (wrb) (Entered: 05/03/2018)
10/18/2018	<u>23</u>	Unopposed MOTION to Amend <u>21</u> Scheduling Order, filed by Internal Revenue Service (wrb) (Entered: 10/18/2018)
10/18/2018	<u>24</u>	Declaration of Christopher P. Valvardi by Internal Revenue Service. (wrb) (Entered: 10/18/2018)
10/22/2018	<u>25</u>	ORDER: Came on for consideration the <u>23</u> unopposed motion of defendant, Internal Revenue Service, to amend scheduling order. The court, having considered the motion, the record, and applicable authorities, finds that the motion should be granted in part as set forth herein. The court ORDERS that the unopposed motion to amend scheduling order be, and is hereby, granted in part, and the deadline for filing motions for summary judgment be, and is hereby, extended to November 21, 2018. The court further ORDERS that the motion be, and is hereby, otherwise denied. (Ordered by Senior Judge John McBryde on 10/22/2018) (tln) (Entered: 10/22/2018)
11/21/2018	<u>26</u>	MOTION for Summary Judgment filed by Internal Revenue Service (wrb) (Entered: 11/21/2018)
11/21/2018	<u>27</u>	Brief in Support filed by Internal Revenue Service re <u>26</u> MOTION for Summary Judgment (wrb) (Entered: 11/21/2018)
11/21/2018	<u>28</u>	Appendix in Support filed by Internal Revenue Service re <u>26</u> MOTION for Summary Judgment (wrb) (Entered: 11/21/2018)
12/03/2018	<u>29</u>	MOTION for Protective Order filed by Internal Revenue Service. (bdb) (Entered: 12/03/2018)
12/03/2018	<u>30</u>	Brief in Support filed by Internal Revenue Service re <u>29</u> MOTION for Protective Order. (bdb) (Entered: 12/03/2018)
12/03/2018	<u>31</u>	Appendix in Support filed by Internal Revenue Service re <u>29</u> MOTION for Protective Order. (bdb) (Entered: 12/03/2018)
12/07/2018	<u>32</u>	Opposition and Response to <u>26</u> MOTION for Summary Judgment and Request for In Camera Inspection or, in the Alternative, a Vaughn Index filed by Judith A. Clark, Ray G. Clark. (mpw) (Entered: 12/07/2018)

12/07/2018	<u>33</u>	Brief in Support filed by Judith A. Clark, Ray G. Clark re <u>32</u> Opposition and Response to <u>26</u> MOTION for Summary Judgment and Request for In Camera Inspection or, in the Alternative, a Vaughn Index. (mpw) (Entered: 12/07/2018)
12/07/2018	<u>34</u>	Appendix in Support filed by Judith A. Clark, Ray G. Clark re <u>32</u> Opposition and Response to <u>26</u> MOTION for Summary Judgment and Request for In Camera Inspection or, in the Alternative, a Vaughn Index. (mpw) (Entered: 12/07/2018)
12/20/2018	<u>35</u>	REPLY BRIEF in Support filed by Internal Revenue Service re <u>26</u> MOTION for Summary Judgment (wrb) (Entered: 12/21/2018)
12/20/2018	<u>36</u>	Appendix filed by Internal Revenue Service to the <u>35</u> Reply Brief in Support of Motion for Summary Judgment (Entered: 12/21/2018)
12/21/2018	<u>37</u>	Plaintiff's RESPONSE filed by Ray G. Clark, Judth A. Clark re: <u>29</u> MOTION for Protective Order (wrb) (Entered: 12/21/2018)
12/21/2018	<u>38</u>	Plaintiff's Brief in Support filed by Judith A. Clark, Ray G. Clark of <u>37</u> Response to Internal Rev Service's Motion for Protective Order (wrb) (Entered: 12/21/2018)
12/21/2018	<u>39</u>	Appendix filed by Judith A. Clark, Ray G. Clark to <u>38</u> Brief in Support of IRS's Motion for Protective Order (wrb) (Entered: 12/21/2018)
12/21/2018	<u>40</u>	DECLARATION OF CYNTHIA A. COOK by Judith A. Clark, Ray G. Clark. (wrb) (Entered: 12/21/2018)
12/27/2018	<u>41</u>	Joint MOTION to Stay of All Proceedings and Deadlines in Light of Lapse of Appropriations filed by Judith A. Clark, Ray G. Clark, Internal Revenue Service (wrb) (Entered: 12/27/2018)
12/27/2018	<u>42</u>	ORDER denying <u>26</u> Motion for Summary Judgment. ; denying <u>29</u> Motion for Protective Order (Ordered by Senior Judge John McBryde on 12/27/2018) (wrb) (Entered: 12/27/2018)
12/27/2018	<u>43</u>	ORDER granting <u>41</u> Motion to Stay filed by Judith A. Clark, Ray G. Clark, <u>41</u> Motion to Stay filed by Judith A. Clark, Ray G. Clark, Internal Revenue Service terminated.) (Ordered by Senior Judge John McBryde on 12/27/2018) (wrb) (Entered: 12/27/2018)
01/31/2019	<u>44</u>	ORDER: The court ORDERS that the stay imposed by the court's December 27, 2018, orders be, and is hereby, lifted. The court further ORDERS that the pretrial conferences in each of these actions take place at 10:00 a.m. on April 1, 2019. The court further ORDERS that the trial of each of these actions be, and is hereby, reset for May 13, 2019, with docket call at 9:00 a.m. on that date. In all other respects, the provisions of the orders setting schedule and providing special pretrial instructions (as previously amended) in each of these actions remain in full force and effect. (Ordered by Senior Judge John McBryde on 1/31/2019) (mpw) (Entered: 01/31/2019)